

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

INA STEINER, DAVID STEINER, and
STEINER ASSOCIATES, LLC,

Plaintiffs,

v.

EBAY, INC., et al.

Defendants.

Civil Action No. 1:21-cv-11181-DPW

DEFENDANT DAVID HARVILLE’S ANSWER TO COMPLAINT

Defendant David Harville (hereinafter, “Harville”), by and through his undersigned counsel, hereby answers the correspondingly enumerated paragraphs of the *Complaint and Demand for a Jury Trial* (hereinafter, the “Complaint”) (Document No. 1) in the above-captioned action as follows:

INTRODUCTION

1. Harville is not responding to the allegations in this paragraph of the Complaint because they do not pertain to him.

2. Harville is not responding to the allegations in this paragraph of the Complaint because they do not pertain to him.

3. Harville is not responding to the allegations in this paragraph of the Complaint because they do not pertain to him.

4. Harville denies the allegations in this paragraph. Further answering, Harville states that the public record reflects that his title at eBay, Inc. (hereinafter, “eBay”) was Director of Global Resiliency.

5. Harville is not responding to the allegations in this paragraph of the Complaint because they do not pertain to him.

6. Harville denies the allegations in this paragraph of the Complaint. Further answering, Harville admits that he travelled to Natick, Massachusetts.

7. Harville denies the allegations in this paragraph of the Complaint. Further answering, Harville states that, at the direction of his superiors at eBay, he surveilled plaintiffs Ina Steiner (hereinafter, “I. Steiner”) and David Steiner (hereinafter, “D. Steiner”) (hereinafter collectively, the “Steiners”).

8. Harville denies knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph of the Complaint, and therefore, denies such allegations.

9. Harville denies knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph of the Complaint, and therefore, denies such allegations. Further answering, Harville never intended to inflict panic and fear on the Steiners.

10. Harville denies the allegations in this paragraph to the extent they may pertain to him.

11. Harville is not responding to the allegations in this paragraph of the Complaint because the criminal proceedings in the criminal case referred to therein are a matter of public record and the documents listed on the docket sheet speak for themselves.

12. Harville is not responding to the allegations in this paragraph of the Complaint because they do not pertain to him.

13. Harville denies knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph of the Complaint, and therefore, denies such allegations.

Further answering, Harville admits that at all pertinent times he was acting within the scope of his employment at eBay and at its direction.

14. Harville denies the allegations in this paragraph of the Complaint.

15. Harville denies knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph of the Complaint, and therefore, denies such allegations.

16. Harville is not responding to this paragraph of the Complaint because it does not allege facts, but rather states legal conclusions.

JURISDICTION AND VENUE

17. Harville admits the allegations in this paragraph of the Complaint as they pertain to him.

18. Harville admits that this Honorable Court has jurisdiction to adjudicate claim arising under the RICO statute.

19. Harville admits that this Honorable Court may exercise supplemental jurisdiction pursuant to 28 U.S.C. § 1367.

20. Harville denies the allegations in this paragraph of the Complaint if Plaintiffs satisfy the applicable legal standards.

21. Harville does not oppose venue in this Honorable Court.

THE PARTIES

22. Harville denies knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph of the Complaint, and therefore, denies such allegations. Further answering, Harville admits that the Steiners own a home in Natick, Massachusetts.

23. Harville denies knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph of the Complaint, and therefore, denies such allegations.

24. Harville denies knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph of the Complaint, and therefore, denies such allegations. Further answering, Harville states that at all pertinent times his office was located on the premises of eBay's office in San Jose, California.

25. Harville denies knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph of the Complaint, and therefore, denies such allegations.

26. Harville denies knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph of the Complaint, and therefore, denies such allegations.

27. Harville is not responding to the allegations in this paragraph of the Complaint because they do not pertain to him.

28. Harville is not responding to the allegations in this paragraph of the Complaint because they do not pertain to him.

29. Harville is not responding to the allegations in this paragraph of the Complaint because they do not pertain to him. Further answering, Harville states that he reported to defendant James Baugh (hereinafter, "Baugh") whose title at eBay was Senior Director of Safety & Security in charge of the company's Global Security and Resiliency business.

30. Harville is not responding to the allegations in this paragraph of the Complaint because they do not pertain to him.

31. Harville is not responding to the allegations in this paragraph of the Complaint because they do not pertain to him.

32. Harville is not responding to the allegations in this paragraph of the Complaint because they do not pertain to him.

33. Harville admits the allegations in this paragraph of the Complaint.

34. Harville is not responding to the allegations in this paragraph of the Complaint because they do not pertain to him.

35. Harville is not responding to the allegations in this paragraph of the Complaint because they do not pertain to him.

36. Harville is not responding to the allegations in this paragraph of the Complaint because they do not pertain to him.

37. Harville admits the first, second and fourth sentences in this paragraph of the Complaint and denies the third sentence in this paragraph of the Complaint.

38. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

THE FACTS

39. Harville denies knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph of the Complaint, and therefore, denies such allegations.

40. Harville denies knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph of the Complaint, and therefore, denies such allegations.

41. Harville denies knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph of the Complaint, and therefore, denies such allegations.

42. Harville denies knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph of the Complaint, and therefore, denies such allegations.

43. Harville denies knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph of the Complaint, and therefore, denies such allegations.

44. Harville denies knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph of the Complaint, and therefore, denies such allegations.

45. Harville denies knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph of the Complaint, and therefore, denies such allegations.

46. Harville denies knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph of the Complaint, and therefore, denies such allegations.

47. Harville denies knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph of the Complaint, and therefore, denies such allegations.

48. Harville denies knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph of the Complaint, and therefore, denies such allegations.

49. Harville denies knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph of the Complaint, and therefore, denies such allegations.

50. Harville denies the allegations in this paragraph as they may pertain to him.

51. Harville denies the allegations in this paragraph as they may pertain to him.

52. Harville denies knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph of the Complaint, and therefore, denies such allegations.

53. Harville denies knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph of the Complaint, and therefore, denies such allegations.

54. Harville denies the allegations in this paragraph as they may pertain to him.

55. Harville denies knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph of the Complaint, and therefore, denies such allegations.

56. Harville denies the allegations in this paragraph of the Complaint. Further answering, Harville admits that at all pertinent times he was acting within the scope of his employment with eBay.

57. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

58. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

59. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

60. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

61. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

62. Harville neither admits nor denies the allegations in this paragraph of the Complaint because it summarizes publicly available change of plea proceedings, which speak for themselves, concerning other defendants in which Harville did not participate. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

63. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

64. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him. Further answering, Harville states that at all pertinent times he was acting within the scope of his employment at eBay and pursuant to its directions.

65. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

66. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

67. Harville denies knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph of the Complaint, and therefore, denies such allegations.

68. Harville denies knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph of the Complaint, and therefore, denies such allegations.

69. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

70. Harville denies knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph of the Complaint, and therefore, denies such allegations.

71. Harville denies knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph of the Complaint, and therefore, denies such allegations.

72. Harville denies knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph of the Complaint, and therefore, denies such allegations.

73. Harville denies knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph of the Complaint, and therefore, denies such allegations.

74. Harville denies knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph of the Complaint, and therefore, denies such allegations.

75. Harville denies knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph of the Complaint, and therefore, denies such allegations.

76. Harville denies knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph of the Complaint, and therefore, denies such allegations.

77. Harville neither admits nor denies the allegations in this paragraph of the Complaint because it summarizes publicly available change of plea proceedings, which speak for themselves, concerning other defendants in which Harville did not participate.

78. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

79. Harville neither admits nor denies the allegations in this paragraph of the Complaint because it summarizes publicly available change of plea proceedings, which speak for themselves, concerning other defendants in which Harville did not participate.

80. Harville denies knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph of the Complaint, and therefore, denies such allegations.

81. Harville denies knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph of the Complaint, and therefore, denies such allegations.

82. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

83. Harville is not responding to the allegations in this paragraph of the Complaint because they do not pertain to him.

84. Harville is not responding to the allegations in this paragraph of the Complaint because they do not pertain to him.

85. Harville is not responding to the allegations in this paragraph of the Complaint because they do not pertain to him.

86. Harville neither admits nor denies the allegations in this paragraph of the Complaint because it summarizes publicly available change of plea proceedings, which speak for themselves, concerning other defendants in which Harville did not participate. Further answering, Harville denies knowledge or information sufficient to form a belief as to the truth of the remaining allegations in this paragraph of the Complaint, and therefore, denies such allegations.

87. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

88. Harville neither admits nor denies the allegations in this paragraph of the Complaint because it summarizes publicly available change of plea proceedings, which speak for themselves, concerning other defendants in which Harville did not participate. Further answering, Harville denies knowledge or information sufficient to form a belief as to the truth of the remaining allegations in this paragraph of the Complaint, and therefore, denies such allegations.

89. Harville denies knowledge or information sufficient to form a belief as to the truth of the allegations in the first sentence of this paragraph of the Complaint, and therefore, denies such allegations. Harville denies the remaining allegations in this paragraph of the Complaint as they may pertain to him.

90. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him. Further answering, Harville states he was informed by his supervisor, Defendant Baugh, that their superiors at Defendant eBay had instructed Defendant Baugh to find and destroy.

91. Harville neither admits nor denies the allegations in this paragraph of the Complaint because it summarizes publicly available change of plea proceedings, which speak for themselves, concerning other defendants in which Harville did not participate.

92. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

93. Harville denies knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph of the Complaint, and therefore, denies such allegations.

94. Harville denies knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph of the Complaint, and therefore, denies such allegations.

95. Harville denies knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph of the Complaint, and therefore, denies such allegations.

96. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him. Further answering, Harville admits that while acting within the scope of his employment at eBay he travelled from California to Natick, Massachusetts.

97. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

98. Harville neither admits nor denies the allegations in this paragraph of the Complaint because it summarizes publicly available change of plea proceedings, which speak for themselves, concerning other defendants in which Harville did not participate. Further answering, Harville admits he did not attend a conference with Defendant Zea in Boston, Massachusetts.

99. Harville neither admits nor denies the allegations in this paragraph of the Complaint because it summarizes publicly available change of plea proceedings, which speak for themselves, concerning other defendants in which Harville did not participate.

100. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

101. Harville is not responding to the allegations in this paragraph of the Complaint because they do not pertain to him.

102. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him. Further answering, Harville admits that he acted within the scope of his employment at Defendant eBay, for its benefit and by at its direction when travelling to Massachusetts and staying at the Ritz Carlton Hotel in Boston, Massachusetts.

103. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

104. Harville admits that he acted within the scope of his employment at Defendant eBay, for its benefit and at its direction, when he observed the Steiners' car from outside of their garage. Further answering, Harville denies the remaining allegations in this paragraph of the Complaint as they may pertain to him.

105. Harville neither admits nor denies the allegations in this paragraph of the Complaint because it summarizes publicly available change of plea proceedings, which speak for themselves, concerning other defendants in which Harville did not participate.

106. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

107. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

108. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him. Further answering, Harville admits that he acted within the scope of his employment at Defendant eBay, for its benefit and at its direction, by discussing with Defendant Baugh about entering the Steiners' garage (which he did not do).

109. Harville denies knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph of the Complaint, and therefore, denies such allegations.

110. Harville admits the allegations in this paragraph of the Complaint as they may pertain to him.

111. Harville denies knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph of the Complaint, and therefore, denies such allegations.

112. Harville denies knowledge or information sufficient to form a belief as to the truth of the allegation in this paragraph of the Complaint, and therefore, denies such allegations.

113. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him. Harville denies knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph of the Complaint concerning the Steiners, and therefore, denies such allegations.

114. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him. Harville denies knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph of the Complaint concerning the Steiners, and therefore, denies such allegations.

115. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

116. Harville neither admits nor denies the allegations in this paragraph of the Complaint because it summarizes publicly available change of plea proceedings, which speak for themselves, concerning other defendants in which Harville did not participate.

117. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

118. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

119. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

120. Harville denies knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph of the Complaint, and therefore, denies such allegations.

121. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him. Harville denies knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph of the Complaint concerning the Steiners, and therefore, denies such allegations.

122. Harville denies knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph of the Complaint, and therefore, denies such allegations.

123. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him. Harville denies knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph of the Complaint concerning the Steiners, and therefore, denies such allegations.

124. Harville denies knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph of the Complaint, and therefore, denies such allegations.

125. Harville denies knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph of the Complaint, and therefore, denies such allegations.

126. Harville denies knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph of the Complaint, and therefore, denies such allegations.

127. Harville denies knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph of the Complaint, and therefore, denies such allegations.

128. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him. Harville denies knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph of the Complaint concerning the Steiners, and therefore, denies such allegations.

129. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him. Harville denies knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph of the Complaint concerning the Steiners, and therefore, denies such allegations.

130. Harville neither admits nor denies the allegations in this paragraph of the Complaint because it summarizes publicly available change of plea proceedings, which speak for themselves, concerning other defendants in which Harville did not participate. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

131. Harville denies knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph of the Complaint, and therefore, denies such allegations.

132. Harville denies knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph of the Complaint concerning the Steiners, and therefore, denies such allegations.

133. Harville admits the allegations in this paragraph of the Complaint. Further answering, Harville denies his behavior was unlawful.

134. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

135. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

136. Harville denies knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph of the Complaint, and therefore, denies such allegations.

137. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

138. Harville denies knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph of the Complaint, and therefore, denies such allegations. Further answering, Harville admits returning to California.

139. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him. Harville denies knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph of the Complaint concerning the other Defendants, and therefore, denies such allegations.

140. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him. Harville denies knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph of the Complaint concerning the other Defendants, and therefore, denies such allegations.

141. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him. Harville denies knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph of the Complaint concerning the other Defendants, and therefore, denies such allegations.

142. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him. Harville denies knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph of the Complaint concerning the other Defendants, and therefore, denies such allegations.

143. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him. Harville denies knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph of the Complaint concerning the other Defendants, and therefore, denies such allegations.

144. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him. Harville denies knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph of the Complaint concerning the other Defendants, and therefore, denies such allegations.

145. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him. Harville denies knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph of the Complaint concerning the other Defendants, and therefore, denies such allegations.

146. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him. Harville denies knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph of the Complaint concerning the other Defendants, and therefore, denies such allegations.

147. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him. Harville denies knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph of the Complaint concerning the other Defendants, and therefore, denies such allegations.

148. Harville denies knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph of the Complaint, and therefore, denies such allegations.

149. Harville denies knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph of the Complaint, and therefore, denies such allegations.

150. Harville neither admits nor denies the allegations in this paragraph of the Complaint because it summarizes publicly available change of plea proceedings, which speak for themselves,

concerning other defendants in which Harville did not participate. Harville is not responding to the allegations in this paragraph of the Complaint because they do not pertain to him.

151. Harville is not responding to the allegations in this paragraph of the Complaint because they do not pertain to him.

152. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him. Harville denies knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph of the Complaint concerning the Steiners, and therefore, denies such allegations.

153. Harville is not responding to the allegations in this paragraph of the Complaint because they do not pertain to him.

154. Harville is not responding to the allegations in this paragraph of the Complaint because they do not pertain to him.

155. Harville is not responding to the allegations in this paragraph of the Complaint because they do not pertain to him.

156. Harville is not responding to the allegations in this paragraph of the Complaint because they do not pertain to him.

157. Harville is not responding to the allegations in this paragraph of the Complaint because they do not pertain to him.

158. Harville is not responding to the allegations in this paragraph of the Complaint because they do not pertain to him.

159. Harville is not responding to the allegations in this paragraph of the Complaint because they do not pertain to him.

160. Harville neither admits nor denies the allegations in this paragraph of the Complaint because it summarizes publicly available change of plea proceedings, which speak for themselves, concerning other defendants in which Harville did not participate. Harville is not responding to the allegations in this paragraph of the Complaint because they do not pertain to him.

161. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

162. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

163. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

164. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

165. Harville is not responding to the allegations in this paragraph of the Complaint because they do not pertain to him.

166. Harville is not responding to the allegations in this paragraph of the Complaint because they do not pertain to him.

167. Harville is not responding to the allegations in this paragraph of the Complaint because they do not pertain to him.

168. Harville is not responding to the allegations in this paragraph of the Complaint because they do not pertain to him.

169. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

170. Harville is not responding to the allegations in this paragraph of the Complaint because they do not pertain to him.

171. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

172. Harville neither admits nor denies the allegations in this paragraph of the Complaint because it summarizes publicly available change of plea proceedings, which speak for themselves, concerning other defendants in which Harville did not participate. Harville is not responding to the allegations in this paragraph of the Complaint because they do not pertain to him.

173. Harville neither admits nor denies the allegations in this paragraph of the Complaint because it summarizes publicly available change of plea proceedings, which speak for themselves, concerning other defendants in which Harville did not participate. Harville is not responding to the allegations in this paragraph of the Complaint because they do not pertain to him.

174. Harville neither admits nor denies the allegations in this paragraph of the Complaint because it summarizes publicly available change of plea proceedings, which speak for themselves, concerning other defendants in which Harville did not participate. Harville is not responding to the allegations in this paragraph of the Complaint because they do not pertain to him.

175. Harville is not responding to the allegations in this paragraph of the Complaint because they do not pertain to him.

176. Harville denies knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph of the Complaint, and therefore, denies such allegations.

177. Harville denies knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph of the Complaint, and therefore, denies such allegations.

178. Harville denies knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph of the Complaint, and therefore, denies such allegations.

179. Harville is not responding to the allegations in this paragraph of the Complaint because they do not pertain to him.

180. Harville neither admits nor denies the allegations in this paragraph of the Complaint because it summarizes publicly available change of plea proceedings, which speak for themselves, concerning other defendants in which Harville did not participate. Harville denies knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph of the Complaint, and therefore, denies such allegations.

181. Harville denies knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph of the Complaint, and therefore, denies such allegations.

182. Harville denies knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph of the Complaint, and therefore, denies such allegations.

183. Harville denies knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph of the Complaint, and therefore, denies such allegations.

184. Harville denies knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph of the Complaint, and therefore, denies such allegations.

185. Harville denies knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph of the Complaint, and therefore, denies such allegations.

186. Harville neither admits nor denies the allegations in this paragraph of the Complaint because it summarizes publicly available change of plea proceedings, which speak for themselves, concerning other defendants in which Harville did not participate. Harville denies knowledge or

information sufficient to form a belief as to the truth of the allegations in this paragraph of the Complaint, and therefore, denies such allegations.

187. Harville neither admits nor denies the allegations in this paragraph of the Complaint because it summarizes publicly available change of plea proceedings, which speak for themselves, concerning other defendants in which Harville did not participate. Harville denies knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph of the Complaint, and therefore, denies such allegations.

188. Harville denies knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph of the Complaint, and therefore, denies such allegations.

189. Harville denies knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph of the Complaint, and therefore, denies such allegations.

190. Harville neither admits nor denies the allegations in this paragraph of the Complaint because it summarizes publicly available change of plea proceedings, which speak for themselves, concerning other defendants in which Harville did not participate. Harville denies knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph of the Complaint, and therefore, denies such allegations.

191. Harville admits that he attended a meeting at Defendant eBay while acting within the scope of his employment at Defendant eBay, for its benefit and by at its direction. Further answering, Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

192. Harville admits that he attended a meeting at Defendant eBay while acting within the scope of his employment at Defendant eBay, for its benefit and by at its direction, and that Harville was informed that Defendant Baugh, while acting within the scope of his employment at

Defendant eBay when he was instructed that WhatsApp messages should be deleted from the cell phones issued by Defendant eBay. Further answering, Harville denies personally deleting said messages, and denies the remaining allegations in this paragraph of the Complaint as they may pertain to him.

193. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him. Further answering, Harville admits that he was interviewed by eBay's legal department.

194. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

195. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

196. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

197. Harville is not responding to the allegations in this paragraph of the Complaint because they do not pertain to him.

198. Harville is not responding to the allegations in this paragraph of the Complaint because they do not pertain to him.

199. Harville is not responding to the allegations in this paragraph of the Complaint because they do not pertain to him.

200. Harville denies knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph of the Complaint, and therefore, denies such allegations. Further answering, Harville admits that on or about August 30, 2019 eBay placed him on administrative leave.

201. Harville is not responding to the allegations in this paragraph of the Complaint because they do not pertain to him.

202. Harville denies knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph of the Complaint, and therefore, denies such allegations. Further answering, Harville admits that in September 2019 eBay terminated his employment.

203. Harville is not responding to the allegations in this paragraph of the Complaint because they do not pertain to him.

204. Harville is not responding to the allegations in this paragraph of the Complaint because they do not pertain to him.

205. Harville is not responding to the allegations in this paragraph of the Complaint because they do not pertain to him.

206. Harville is not responding to the allegations in this paragraph of the Complaint because they do not pertain to him.

207. Harville is not responding to the allegations in this paragraph of the Complaint because the criminal proceedings in the criminal case referred to therein are a matter of public record and the documents listed on the docket sheet speak for themselves.

208. Harville is not responding to the allegations in this paragraph of the Complaint because they do not pertain to him.

209. Harville is not responding to the allegations in this paragraph of the Complaint because the criminal proceedings in the criminal case referred to therein are a matter of public record and the documents listed on the docket sheet speak for themselves.

210. Harville is not responding to the allegations in this paragraph of the Complaint because the criminal proceedings in the criminal case referred to therein are a matter of public record and the documents listed on the docket sheet speak for themselves.

211. Harville is not responding to the allegations in this paragraph of the Complaint because the criminal proceedings in the criminal case referred to therein are a matter of public record and the documents listed on the docket sheet speak for themselves.

212. Harville neither admits nor denies the allegations in this paragraph of the Complaint because it summarizes statutory language and publicly available change of plea proceedings, which speak for themselves, concerning other defendants in which Harville did not participate.

213. Harville is not responding to the allegations in this paragraph of the Complaint because the criminal proceedings in the criminal case referred to therein are a matter of public record and the documents listed on the docket sheet speak for themselves.

214. Harville denies knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph of the Complaint, and therefore, denies such allegations.

215. Harville denies knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph of the Complaint, and therefore, denies such allegations.

216. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

217. Harville denies knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph of the Complaint, and therefore, denies such allegations.

218. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

219. Harville denies knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph of the Complaint, and therefore, denies such allegations.

CAUSES OF ACTION

Count I: Intentional Infliction Of Emotional Distress

220. Harville repeats and realleges his answers set forth in Paragraphs 1 through 219 above and incorporates them by reference herein.

221. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

222. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

223. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

224. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

225. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

226. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

227. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

228. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

229. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

Count II: Stalking

230. Harville repeats and realleges his answers set forth in Paragraphs 1 through 229 above and incorporates them by reference herein.

231. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

232. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

233. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

234. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

235. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

236. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

237. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

238. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

239. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

Count III: Violation Of 18 U.S.C. §§ 1962 And 1964
(Civil Racketeering Act)

240. Harville repeats and realleges his answers set forth in Paragraphs 1 through 239 above and incorporates them by reference herein.

241. Harville is not responding to the allegations in this paragraph of the Complaint because the statute cited speaks for itself.

242. Harville is not responding to the allegations in this paragraph of the Complaint because the statute cited speaks for itself.

243. Harville is not responding to the allegations in this paragraph of the Complaint because the statute cited speaks for itself.

I. The association in fact.

244. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

245. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

246. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

247. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

248. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

II. The common purpose.

249. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

III. The roles of the participants.

250. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

251. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

252. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

253. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

254. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

255. Harville is not responding to the allegations in this paragraph of the Complaint because they do not pertain to him.

256. Harville is not responding to the allegations in this paragraph of the Complaint because they do not pertain to him.

257. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

258. Harville is not responding to the allegations in this paragraph of the Complaint because they do not pertain to him.

259. Harville is not responding to the allegations in this paragraph of the Complaint because they do not pertain to him.

260. Harville is not responding to the allegations in this paragraph of the Complaint because they do not pertain to him.

261. Harville admits the allegations in paragraph 261 of the Complaint that Baugh was aware of his activities. Further answering, Harville is not responding to the remaining allegations in this paragraph of the Complaint because they do not pertain to him.

262. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

IV. The goal of the racketeering conspiracy.

263. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

V. Pattern of the racketeering activity and predicate acts.

264. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

265. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

266. Harville admits to surveilling the Steiners at the direction, for the benefit and within the scope of his employment at Defendant eBay. Further answering, Harville denies the remaining allegations in this paragraph of the Complaint as they may pertain to him.

267. Harville admits to surveilling the Steiners at the direction, for the benefit and within the scope of his employment at Defendant eBay. Harville denies the remaining allegations in this paragraph of the Complaint as they may pertain to him, and Harville neither admits nor denies the allegations in this paragraph of the Complaint because it summarizes statutory language and publicly available change of plea proceedings, which speak for themselves, concerning other defendants in which Harville did not participate.

VI. Affected interstate commerce.

268. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

VII. Operation and Management.

269. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

270. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

271. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

272. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

273. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

274. Harville neither admits nor denies the allegations in this paragraph of the Complaint because it summarizes publicly available court proceedings which speak for themselves,

275. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

VIII. RICO injury.

276. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

277. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

278. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

279. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

280. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

281. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

282. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

Count IV: Violations Of Title II, Ch. 12, § 111
(Massachusetts Civil Rights Act Violation)

283. Harville repeats and realleges his answers set forth in Paragraphs 1 through 282 above and incorporates them by reference herein.

284. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

285. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

286. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

287. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

288. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

Count V: Defamation

289. Harville repeats and realleges his answers set forth in Paragraphs 1 through 288 above and incorporates them by reference herein.

290. Harville denies knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph of the Complaint, and therefore, denies such allegations.

291. Harville denies knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph of the Complaint, and therefore, denies such allegations.

292. Harville denies knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph of the Complaint, and therefore, denies such allegations.

293. Harville denies knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph of the Complaint, and therefore, denies such allegations.

294. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

295. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

296. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

297. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

298. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

299. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

300. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

301. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

302. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

303. Harville denies knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph of the Complaint, and therefore, denies such allegations.

304. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

305. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

306. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

307. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

308. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

309. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

310. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

311. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

Count VI: Trespassing

312. Harville repeats and realleges his answers set forth in Paragraphs 1 through 311 above and incorporates them by reference herein.

313. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

314. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

315. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

316. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

Count VII: False Imprisonment

317. Harville repeats and realleges his answers set forth in Paragraphs 1 through 316 above and incorporates them by reference herein.

318. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

319. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

320. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

321. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

322. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

323. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

324. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

325. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

326. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

327. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

Count VIII: Vandalism

328. Harville repeats and realleges his answers set forth in Paragraphs 1 through 327 above and incorporates them by reference herein.

329. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

330. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

331. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

Count IX: Civil Conspiracy

332. Harville repeats and realleges his answers set forth in Paragraphs 1 through 331 above and incorporates them by reference herein.

333. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

334. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

335. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

336. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

337. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

338. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

339. Harville denies knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph of the Complaint, and therefore, denies such allegations.

340. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

341. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

Count X: Violation Of M.G.L. Ch. 93A § 11

342. Harville repeats and realleges his answers set forth in Paragraphs 1 through 341 above and incorporates them by reference herein.

343. Harville denies knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph of the Complaint, and therefore, denies such allegations.

344. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

345. Harville denies knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph of the Complaint, and therefore, denies such allegations.

346. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

347. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

348. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

349. Harville denies knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph of the Complaint, and therefore, denies such allegations.

350. Harville denies knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph of the Complaint, and therefore, denies such allegations.

351. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

352. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

Count XI: Tortious Interference With Business Relationships

353. Harville repeats and realleges his answers set forth in Paragraphs 1 through 352 above and incorporates them by reference herein.

354. Harville denies knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph of the Complaint, and therefore, denies such allegations.

355. Harville denies knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph of the Complaint, and therefore, denies such allegations.

356. Harville denies knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph of the Complaint, and therefore, denies such allegations.

357. Harville denies knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph of the Complaint, and therefore, denies such allegations.

Count XII: Ratification

358. Harville repeats and realleges his answers set forth in Paragraphs 1 through 357 above and incorporates them by reference herein.

359. Harville admits the allegation in this paragraph of the Complaint that he was an employee of eBay. Harville is not responding to the allegations in this paragraph of the Complaint because they do not pertain to him.

360. Harville denies the allegations in this paragraph of the Complaint as they may pertain to him.

361. Harville denies knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph of the Complaint, and therefore, denies such allegations.

362. Harville denies knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph of the Complaint, and therefore, denies such allegations.

363. Harville denies knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph of the Complaint, and therefore, denies such allegations.

364. Harville denies knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph of the Complaint, and therefore, denies such allegations.

365. Harville denies knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph of the Complaint, and therefore, denies such allegations.

366. Harville denies knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph of the Complaint, and therefore, denies such allegations.

HARVILLE'S AFFIRMATIVE DEFENSES

First Affirmative Defense

The Complaint fails to state a claim against Harville upon which relief may be granted because the allegations constitute an improper group pleading, which fails to place him on notice as to what specific conduct is attributed to him and when and how such conduct occurred.

Second Affirmative Defense

The Complaint fails to state a claim against Harville for intentional infliction of emotional distress upon which relief may be granted because the Complaint does not sufficiently allege that Harville's alleged conduct satisfies the elements of cause of action.

Third Affirmative Defense

The Complaint fails to state a claim against Harville for stalking upon which relief may be granted because stalking is not a civil cause of action independent from intentional infliction of emotional distress. Furthermore, California Civil Code 1708.7 is inapplicable because all events attributable to Harville as alleged in the Complaint occurred within the Commonwealth of Massachusetts.

Fourth Affirmative Defense

The Complaint fails to state a claim against Harville under RICO upon which relief may be granted because the allegations concerning him are not pled with particularity.

Fifth Affirmative Defense

The Complaint fails to state a claim against Harville under RICO upon which relief may be granted because, among other things, it does not allege facts attributable to him which provide evidence of an ongoing organization, formal or informal, and evidence that the various associates function as a continuing unit.

Sixth Affirmative Defense

The Complaint fails to state a claim against Harville under RICO upon which relief may be granted because, among other things, Harville's alleged acts do not show sufficient longevity.

Seventh Affirmative Defense

The Complaint fails to state a claim against Harville under RICO upon which relief may be granted because, among other things, it does not sufficiently plead and establish that the alleged predicate acts satisfy the standards under RICO claim.

Eighth Affirmative Defense

The Complaint fails to state a claim against Harville under RICO upon which relief may be granted because, among other things, it does not sufficiently plead and establish that he committed predicate acts underlying the RICO claim willfully or with actual knowledge of the illegal activities.

Ninth Affirmative Defense

The Complaint fails to state a claim against Harville under RICO upon which relief may be granted because, among other things, it does not show that he intended to obtain or cause the loss of money or property by means of materially false or fraudulent pretenses or representations.

Tenth Affirmative Defense

The Complaint fails to state a claim against Harville under RICO upon which relief may be granted because, among other things, it does not establish his individual patterns of racketeering as opposed to the collective activities of all defendants.

Eleventh Affirmative Defense

The Complaint fails to state a claim against Harville under RICO upon which relief may be granted because, among other things, it does not establish he had control over a RICO enterprise.

Twelfth Affirmative Defense

The Complaint fails to state a claim against Harville under the *Massachusetts Civil Rights Act* upon which relief may be granted because, among other things, it does not show that he interfered with Plaintiffs' exercise of a protected right, and that the interference was accomplished through threats, intimidation, or coercion by him.

Thirteenth Affirmative Defense

The Complaint fails to state a claim against Harville for defamation upon which relief may be granted because, among other things, it does not show that he published a false and defamatory statement concerning Plaintiffs.

Fourteenth Affirmative Defense

The Complaint fails to state a claim against Harville for trespassing upon which relief may be granted because, among other things, it does not show that members of the public are restricted from visiting Plaintiff's place of business.

Fifteenth Affirmative Defense

The Complaint fails to state a claim against Harville for false imprisonment upon which relief may be granted because, among other things, it does not allege that he unlawfully restrained Plaintiffs' movements.

Sixteenth Affirmative Defense

The Complaint fails to state a claim against Harville for vandalism upon which relief may be granted because, among other things, it does not allege that he damaged Plaintiffs' property.

Nineteenth Affirmative Defense

The Complaint fails to state a claim against Harville for civil conspiracy upon which relief may be granted because, among other things, the Complaint concedes that he was acting within the scope of his employment at eBay and at its direction, and the damages the Plaintiffs allege they suffered did not result from the power exercised by Harville with other eBay employees.

Twentieth Affirmative Defense

The Complaint fails to state a claim against Harville for tortious interference with business relations upon which relief may be granted because, among other things, Harville did not know of Plaintiffs' business relationships or prospective business relationships.

Twenty-First Affirmative Defense

The Complaint fails to state a claim against Harville for ratification upon which relief may be granted because, among other things, Harville did not have the authority to ratify the conduct of eBay or its employees.

Twenty-Second Affirmative Defense

The facts alleged in the Complaint concerning criminal proceedings regarding Harville constitute inadmissible evidence.

Twenty-Third Affirmative Defense

Harville reserves the right to raise all additional defenses that may become available to him during the pendency of the above-captioned action.

WHEREFORE, defendant David Harville respectfully request that this Honorable Court enter judgment in his favor as to Counts I through XII of the Complaint and grant him such other and further relief as this Court deems just and proper.

Respectfully submitted,

DEFENDANT DAVID HARVILLE

By his attorneys,

Dated: October 28, 2021

/s/ Daniel K. Gelb
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CERTIFICATE OF SERVICE

The undersigned counsel certifies that on October 28, 2021 this document was electronically filed with the Clerk of Court for the United States District Court for the District of Massachusetts using the CM/ECF system, which will send a notice of electronic filing (NEF) to all registered participants in the above-captioned action.

/s/ Daniel K. Gelb
Daniel K. Gelb, Esquire